IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4355 OF 2004.
IN
CRIMINAL REVISION APPLICATION NO.407 OF 2003.

Prakash Somnath Boob. ... Applicant.
Versus.
Jaiprakash Badrinarayan Rathi & ors. ... Respondents.

Shri P.B.Shah for the Applicant.

Ms.Seema Sarnaik for the Respondents.

Shri R.M.Gadvi, A.P.P. for the State.

CORAM : ABHAY S. OKA, J.

DATED : 12th August, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the Respondents Nos.1 to 4 and the learned A.P.P. for the State.

2. This application for condonation of delay has been strongly objected by the Respondents Nos.1 to 4 by filing affidavit-in-reply of the Respondent No.3. It is stated that there is no explanation for gross delay of more than 250 days. It is stated that the Application is very vague. It is contended that the Revision Application is sought to be filed as a counter blast to the proceedings filed by the Respondents Nos.1 to 4.

3. Considering the averments made in the Application

and the affidavit-in-reply and after hearing the Counsel appearing for the parties, I find that a case is made out for condonation of delay. However, considering the fact that the delay is of more than 250 days, the Respondents Nos.1 to 4 will have to be compensated by ordering payment of costs.

4. Hence the Application is allowed in terms of prayer clause (a) subject to condition that the Applicant will pay costs of Rs.5000/- to the Respondents Nos.1 to 4 within a period of two weeks from today.

5. Place the Revision Application for admission on 30th August 2005.

Judge.